Supreme Court, U.S.
FILED
NOV 29 1990
JOSEPH F. SPANIOL, JR.
CLERK

(4)

No. 90-96

In The

Supreme Court of the United States

October Term, 1990

FREDERICK A. SIEGERT,

Petitioner,

v.

H. MELVYN GILLEY,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The District Of Columbia Circuit

JOINT APPENDIX

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Petition For A Writ Of Certiorari Filed July 13, 1990
Petition For A Writ Of Certiorari Granted October 15, 1990

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Case No. 86-3234

Frederick A. Siegert

v.

H. Melvyn Gilley

DOCKET ENTRIES

Date	Proceedings
1986	
Nov. 25	Complaint filed; summons issued (entry date: 11/28/86) [case assigned to Sporkin, J.].
1987	
Feb. 5	Motion by defendant to dismiss or in the alternative for summary judgment, with two exhibits [material facts not in dispute; affidavit of Eugene C. Stammeyer].
May 8	Opposition by plaintiff to defendant's motion to dismiss or in the alternative for summary judgment [with two exhibits: material facts in dispute; affidavit of Frederick A. Siegert].
May 26	Reply by defendant to plaintiff's opposition to defendant's motion to dismiss or in the alternative for summary judgment.
July 17	Motion of defendant to dismiss heard and taken under advisement.
Dec. 3	Order allowing plaintiff to depose defendant and Col. Smith and thereafter defendant may depose plaintiff and upon completion of depositions the Court will entertain all suitable motions [entry date: 12/7/87].

Dec. 15	Motion by defendant for reconsideration and for stay of discovery pending resolution of defendant's immunity claim.
1988	
Jan. 20	Opposition by plaintiff to defendant's motion for reconsideration and for stay of discovery pending resolution of defendant's immunity claim [entry date: 1/21/88].
Mar. 2	Reply by defendant to plaintiff's opposition to defendant's motion for reconsideration and for stay of discovery pending resolution of defendant's immunity claim.
June 30	Memorandum opinion and order filed denying defendant's motion for reconsideration and for a stay of discovery and directing parties to proceed with discovery [entry date: 7/5/88].
July 29	Interlocutory notice of appeal filed by defendant from order docketed 7/5/88.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 88-5257

FREDERICK A. SIEGERT,

Appellee

v.

H. MELVYN GILLEY,

Appellant

DOCKET ENTRIES

Date	Proceedings
1989	
Jan. 9	Plaintiff's motion to dismiss.
Jan. 9	Per curiam order denying plaintiff's motion to dismiss (Starr, Williams, Sentelle, JJ.).
1990	
Feb. 9	Opinion and judgment reversing and remanding district court judgment with instructions that the case be dismissed (Buckley, D.H. Ginsberg, JJ.).
Feb. 9	Dissenting opinion by Wald, C.J.
Mar. 26	Plaintiff's petition for rehearing or suggestion for rehearing *en banc*.
Apr. 16	Order denying petition for rehearing and suggestion for rehearing *en banc*.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK A. SIEGERT, Ph.D.
4836 Siegert Lane
Galesville, MD 20765
(301) 867-2540

Plaintiff

v.

H. MELVYN GILLEY, Ph.D.
St. Elizabeth's Hospital
2700 Martin Luther King
Avenue, SE
Washington, DC

or

10712 Amherst Avenue
Silver Spring, MD

Civil Action
No. 86-3234
Sporkin, J.

COMPLAINT FOR DAMAGES

Jurisdiction

1. This action is being brought pursuant to 28 U.S.C. §1331 to redress the deprivation of rights guaranteed by the due process clause of the Fifth Amendment of the United States Constitution, and under doctrines announced in *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

2. Plaintiff also invokes the pendent jurisdiction of this court as to his stated claims against defendant for defamation, for intentional infliction of emotional distress, for interference with contractual relations and for interference with prospective advantage.

3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (e). The acts complained of herein occurred in the District of Columbia.

Parties

4. Plaintiff is a clinical psychologist who is a resident of the State of Maryland but who temporarily resides in Bremerhaven, West Germany. He was employed for several years by St. Elizabeth's Hospital, Washington, DC ("St. E's"), just prior to the occurrence of the acts of defendant complained of herein. Plaintiff is currently employed by the Department of the Army, Headquarters, U.S. Army Medical Department Activity ("USAMDA"), in Bremerhaven, West Germany, although his professional responsibilities have been drastically curtailed, and his employment there may soon cease, due to defendant's acts.

5. Defendant is a resident of the State of Maryland. At all times pertinent hereto he was and is employed by St. Elizabeth's Hospital, Washington, DC, as its Chief Psychologist of the Godding/Noyes Division of this facility. He was plaintiff's immediate supervisor for approximately one year, until on or about October 1, 1985. Defendant is being sued in both his official and individual capacities.

Facts

6. Plaintiff, a clinical psychologist at St. Elizabeth's Hospital, resigned from his position there on or about October 1, 1985. His resignation was due, in part, to long-

standing and consistent professional and personal friction between defendant and himself.

7. On or about October 1, 1985, plaintiff became employed as a clinical psychologist by the USAMDA in Bremerhaven, West Germany. He had signed a 36-month employment contract with the Army on or about August 30, 1985.

8. Plaintiff's duties as a psychologist with the USAMDA entail seeing and working with patients who are hospitalized at the Army base in Bremerhaven. Pursuant to Army regulations, all clinical psychologists, *inter alia*, must be professionally "credentialed" in order to perform medical and related duties in hospitals operated by the Army.

9. On or about October 15, 1985, William R. Smith, Jr., LTC, MC, Deputy Commander for Clinical Services and Chairperson of the Credentials Committee at the USAMDA, contacted defendant to obtain employment information about plaintiff in reference to the issue of credentialing.

10. On October 23, 1985, defendant wrote to Dr. Smith about plaintiff. Defendant stated in that letter that he could not recommend plaintiff for privileges as a psychologist.

11. Moreover, defendant stated in his October 23, 1985 letter to Dr. Smith that defendant "consider[ed] Dr. Siegert to be both inept and unethical, perhaps the least trustworthy individual I have supervised in my thirteen years at" St. E's.

12. Because of defendant's statement, para. 11, *supra*, Dr. Smith notified plaintiff by letter dated November 27, 1985 that reports about him were "extremely unfavorable," and that the committee was therefore recommending that plaintiff not be credentialed. The letter also stated that the recommendation would be forwarded to USAMDA's Commander for final consideration, and that credentialing was a condition of employment.

13. Plaintiff learned of Dr. Smith's letter, para. 14 [sic], *supra*, on or about November 27, 1985.

14. As a result of the Credentialing Committee's recommendation, plaintiff was forced to hire an attorney to present his case for credentialing to USAMDA's Commander.

15. On January 21, 1986, plaintiff was credentialed by USAMDA's commander.

16. Notwithstanding the Commander's action, para. 17 [sic], *supra*, Dr. Smith threatened to "get" plaintiff in any event, and otherwise made plaintiff's work environment difficult, unpleasant, and extremely stressful.

17. As a result of Dr. Smith's attitude, which had been formulated by defendant's statement, para. 11, *supra*, plaintiff began to look and apply for other jobs. In July 1986 plaintiff was hired as a clinical psychologist at another army hospital in Stuttgart, West Germany.

18. On or about July 14, 1986 plaintiff reported for work in Stuttgart but was informed that he "was not wanted" because of what they had heard about him.

19. On or about July 24, 1986 plaintiff was informed that his credentials were being reviewed at the USAMDA

where he had returned to work after his rejection at Stuttgart. The USAMDA was forced to take plaintiff back because of his civil service status.

20. Plaintiff is waiting for a decision from Dr. Smith's Credentials Committee as to whether plaintiff's credentials will be revoked.

21. Plaintiff's due process guarantees under the Fifth Amendment of the United States Constitution have been severely if not irreparably violated as a direct and proximate result of defendant's statements, para. 11, *supra*, in that defendant maliciously and in bad faith attempted to destroy, or has destroyed, plaintiff's ability to earn a livelihood as a clinical psychologist.

22. The statement, para. 11, *supra*, is defamatory *per se* and is untrue.

23. Defendant made the statement, para. 11, *supra*, knowing that it was untrue or with reckless disregard as to whether it was true or not.

24. Defendant made the statement, para. 11, *supra*, in bad faith and with actual malice.

25. Plaintiff's professional reputation has been and is severely if not irreparably damaged as a direct and proximate result of defendant's statement, para. 11, *supra*.

26. Plaintiff suffers and continues to suffer severe emotional distress as a direct and proximate result of defendant's statement, para. 11, *supra*, which was intentionally or recklessly made, and which constitutes extreme and outrageous conduct.

27. Plaintiff's contractual relations have been severely if not irreparably interfered with as a direct and proximate result of defendant's statement, para. 11, *supra*, which was made in bad faith and maliciously.

28. Plaintiff's future contractual and other types of professional or business relationships have been severely if not irreparably interfered with as a direct and proximate result of defendant's statement, para. 11, *supra*, which was made in bad faith and maliciously.

Count I: Violation of Plaintiff's Due Process Guarantees

29. Plaintiff incorporates herein by reference the allegations contained in paras. 1 through 28, *supra*.

30. Defendant violated plaintiff's due process guarantees under the Fifth Amendment and under doctrines announced in *Bivens*, *supra*, by maliciously and in bad faith publishing a defamatory *per se* statement, para. 11, *supra*, which defendant knew to be untrue, or with reckless disregard as to whether it was true or not. As a direct and proximate cause of defendant's conduct, plaintiff's professional reputation has suffered severe and irreparable damage for which defendant is officially and individually liable.

Count II: Defamation (Libel)

31. Plaintiff incorporates herein by reference the allegations contained in paras. 1 through 30, *supra*.

32. Defendant published a statement about plaintiff, para. 11, *supra*, which is defamatory *per se*, knowing it to be untrue or with reckless disregard as to whether it was

true or not, and in bad faith and with actual malice. As a direct and proximate cause of defendant's conduct, plaintiff's professional reputation has suffered severe and irreparable damage for which defendant is officially or individually liable.

Count III: Intentional Infliction of Emotional Distress

33. Plaintiff incorporates herein by reference the allegations contained in paras. 1 through 32, *supra*.

34. Defendant, while acting in an extreme and outrageous manner, intentionally or recklessly published a defamatory *per se* statement about plaintiff, para. 11, *supra*, causing him severe and long-lasting emotional distress for which defendant is officially or individually liable.

Count IV: Interference with Contractual Relations

35. Plaintiff incorporates herein by reference the allegations contained in para. 1 through 34, *supra*.

36. Defendant intentionally and maliciously interfered with plaintiff's contract with USAMDA by publishing a defamatory *per se* statement about him, para. 11, *supra*, causing plaintiff severe financial damage for which defendant is officially or individually liable.

Count V: Interference with Prospective Advantage

37. Plaintiff incorporates herein by reference the allegations contained in paras. 1 through 36.

38. Defendant intentionally and maliciously interfered with plaintiff's future contractual and other professional relations by publishing a defamatory *per se* statement about him, para. 11, *supra*, causing plaintiff severe financial damage for which defendant is officially or individually liable.

WHEREFORE, plaintiff requests that this Court:

a. Award plaintiff one and a half million dollars ($1,500,000) in compensatory damages against defendant;

b. Award plaintiff two and a half million dollars ($2,500,000) in punitive damages against plaintiff [sic];

c. Award plaintiff costs of this suit and reasonable attorney's fees; and

d. Grant such other relief as this Court deems just.

Respectfully submitted,

/s/

Nina Kraut, #348185
Suite 302
1555 Connecticut Avenue, NW
Washington, DC 20036
745-0300

Attorney for Plaintiff

Demand for Jury Trial

Pursuant to Rule 38, Fed. Rules Civ. Proc., plaintiff hereby demands a trial by jury.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK A. SIEGERT, Ph.D.	:	
Plaintiff	:	Civil Action
v.	:	No. 86-3234
	:	Judge Sporkin
H. MELVYN GILLEY, Ph.D.	:	
Defendant	:	

STATEMENT OF MATERIAL FACTS NOT IN ISSUE
PURSUANT TO LOCAL RULE 108(h)

Pursuant to Local Rule 108(h), defendant H. Melvyn Gilley submits this statement of material facts as to which he contends there is no dispute, in support of his alternative motion for summary judgment. These facts are supported by the Affidavit of Dr. Stammeyer, attached as Exhibit A.

1. Saint Elizabeths Hospital is a federal mental hospital located in Washington, D.C.

2. The defendant, H. Melvyn Gilley, Ph.D., is employed by the federal government as a supervisory psychologist for the Noyes/Godding Division, Saint Elizabeths Hospital, Washington, D.C.

3. In the normal course of his duties as a supervisory psychologist for Saint Elizabeths Hospital, and at the request of the Director of Psychology at the Hospital, Dr. Gilley responded in October of 1985 to a request for a reference concerning the plaintiff, Frederick A. Siegert, Ph.D. Dr. Siegert had formerly been employed at Saint Elizabeths Hospital as a staff psychologist under the supervision of Dr. Gilley. Dr. Gilley's response is being

filed under seal and all of plaintiff's claims in this action arise from said response.

4. The plaintiff, Dr. Siegert, consented in writing to the release of information to the Department of the Army by employees of Saint Elizabeths Hospital concerning his job performance while he was an employee of the Hospital.

5. The plaintiff, Dr. Siegert, resigned from Saint Elizabeths Hospital on or about October 1, 1985. His resignation followed his receipt of an advance notice of proposed removal, from the director of his division, based on his inability to report for duty in a dependable and reliable manner, his failure to comply with supervisory directives, and cumulative charges of absence without approved leave.

Respectfully submitted,

JOSEPH E. DIGENOVA #073320
United States Attorney

ROYCE C. LAMBERTH #109761
Assistant United States Attorney

OF COUNSEL:

/s/
ALAN L. COHEN,
#164517
Legal Advisor's Office
Saint Elizabeths Hospital

/s/
JOHN FACCIOLA,
#177733
Assistant United States
Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK A. SIEGERT, Ph.D.	:	
Plaintiff	:	Civil Action
v.	:	No. 86-3234
	:	Judge Sporkin
H. MELVYN GILLEY, Ph.D.	:	
Defendant	:	

AFFIDAVIT

COMES NOW EUGENE C. STAMMEYER, Ph.D., after being duly sworn, and states as follows:

1. I have been employed by the federal government as the Director of Psychology, Saint Elizabeths Hospital, Washington, D.C., since 1973.

2. The defendant in this matter, H. Melvyn Gilley, Ph.D., has been employed by the federal government since 1972 as a supervisory psychologist at Saint Elizabeths Hospital, Washington, D.C. During 1985, he was the supervisory psychologist for the Noyes/Godding division.

3. As Director of Psychology, I often receive requests for references, which frequently ask for information needed for credentialing, from employers who are in the process of hiring psychologists who previously worked at Saint Elizabeths Hospital. I normally refer these requests to the supervisory psychologist who was that employee's supervisor prior to his departure from Saint Elizabeths Hospital.

4. In October of 1985, I received a request for a reference from the United States Army, asking for information needed for credentialing, concerning plaintiff Frederick A. Siegert, Ph.D. Since Dr. Siegert had been under the supervision of defendant Dr. Gilley when he worked at Saint Elizabeths Hospital, I referred this matter to Dr. Gilley for his response. Dr. Gilley's response to this request was within the normal duties performed by him as a supervisory psychologist at Saint Elizabeths Hospital.

5. A release signed by Dr. Siegert, attached as Exhibit B, was received by Saint Elizabeths Hospital pursuant to Dr. Siegert's request for references necessary for the credentialing process by his new employer.

6. A copy of Dr. Gilley's letter to Lt. Col. William Smith, Deputy Commander for Clinical Services, USDA MEDDAC, which he wrote pursuant to my request for a reponse [sic] to the reference inquiry concerning Dr. Siegert, is being filed under seal.

7. I am familiar with the circumstances under which Dr. Siegert left the employment of Saint Elizabeths Hospital. Dr. Siegert resigned subsequent to receiving an advanced notice of his proposed removal from Dr. Humphrey, the Director of the Noyes/Godding division at Saint Elizabeths Hospital. In this notice, Dr. Siegert was informed that his proposed removal was based upon his inability to report for duty in a dependable and reliable manner, his failure to comply with supervisory directives, and cumulative charges of absence without approved leave.

/s/
EUGENE C. STAMMEYER, Ph.D.

Sworn and subscribed to before me this 27th day of January, 1987.

/s/
Ann M. Celia
Notary Public, D.C.

My commission expires: 11/30/91

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK A. SIEGERT Plaintiff v. H. MELVYN GILLEY Defendant	)	Civil Action No. 86-3234 Judge Sporkin

STATEMENT OF MATERIAL FACTS IN ISSUE
PURSUANT TO LOCAL RULE 108(h)

Pursuant to local Rule 108(h), plaintiff submits this statement of material facts as to which he contends there exist genuine issues necessary to be litigated in opposition to defendant's alternative Motion for Summary Judgment.

1. Defendant is not entitled to absolute or qualified immunity.

2. It is beyond the outer perimeters of defendant's job responsibilities to make false statements about employees or former employees. Amended Complaint, para. 11.

3. Defendant's statement in his October 23, 1985 letter is false or was made with reckless disregard as to whether it was true or not, and was intentionally made in bad faith and maliciously. Complaint, paras. 11, 22-24, 30, 32, 34, 36, 38.

4. As a direct result of defendant's statement in his October 23, 1985 letter, plaintiff has and is suffering damage to his professional reputation and his ability to earn a

living, *inter alia*. Amended Complaint, paras. 14, 16, 17-19, 25-28, 32, 34, 36, 38.

5. Defendant's position at St. Elizabeths was as a low level, non-policy-making supervisor. Para. 2, Siegert Aff.

6. Plaintiff did not consent in writing or in any other manner to the release of information concerning his job performance at St. Elizabeths by any of its employees. Plaintiff did consent to the release of information to the Department of the Army as to his credentialing status at St. Elizabeths. Amended Complaint, para. 9.

7. Plaintiff resigned from St. Elizabeths because of professional and personal conflicts with defendant, and because he had wanted to find a position in Europe in any event due to his relationship with a woman there. Para. 6, Siegert Aff.; Amended Complaint, para. 6.

8. Plaintiff reported for duty at St. Elizabeths in a dependable and reliable manner when he was medically able to do so, complied with supervisory directives, and was not absent without approved leave from his job there.

9. Defendant's October 23, 1985 statement is defamatory *per se*. Amended. Complaint, para. 32.

Respectfully submitted,

/s/

Nina Kraut, #348185
1555 Connecticut Ave., NW, #302
Washington, DC 20036
745-0300

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FREDERICK A. SIEGERT Plaintiff	)	
v.	)	Civil Action No. 86-3234 Judge Sporkin
H. MELVYN GILLEY Defendant	)	

AFFIDAVIT OF FREDERICK A. SIEGERT

I, Frederick A. Siegert, hereby depose and state:

1. I am a clinical psychologist and was employed as such at St. Elizabeths Hospital from about November of 1979 until I resigned in October 1985. I was specifically hired because of my extensive experience in working with mentally retarded children and with adults who had mental ages of up to 6 years of age.

2. For most of the time I was employed at St. Elizabeths I was the Behavior Therapy Coordinator representing the Noyes/Godding Division. Additionally, I was temporarily the supervisory psychologist of the Noyes/Godding Division for a period in 1984.

3. In February 1985 I was hit in the head by a patient at St. Elizabeths. As a result, I had to take a considerable amount of medical leave time off from work. Some of that time away had been noted as "AWOL" on St. Elizabeths records. However, I have been fully compensated for that time.

4. The defendant became head of the Noyes/Godding Division of St. Elizabeths just prior to my injury,

para. 3, *supra*. It is my understanding that he resented my being away from work for the length of time I was since my absence created additional burdens for him. Additionally, he resented my resistance as well as the resistance of others to his attempts to modify some aspects of the behavior modification program that had been in operation for several years. These attempts were resisted because the defendant knew almost nothing about behavior therapy.

5. Prior to my professional relationship with the defendant, I had received exemplary job performance ratings by other supervisors under and with whom I had worked during the five years I had been employed at St. Elizabeths. For example, from January 1984 through December 1984 my job performance was rated as "outstanding." Except when I was on medical leave, I reported for work in a dependable and reliable manner, complied with reasonable supervisory directives and was not absent from work without leave. Further, my integrity and ethics as a psychologist and as a co-worker were never brought into question in any manner whatsoever.

6. In the Spring of 1985 I began to make inquiries about jobs in Europe and elsewhere. I began to make job applications at this time because I had already been able to discern that working under or with the defendant was professionally and personally impossible. In May 1985 the Department of the Army indicated that I would be considered for vacancies in Europe as a Clinical Psychologist/Counseling Psychologist/Psychologist, GS-180-12/13.

7. In August 1985 I signed a 36-month contract with the Department of the Army to work at the Army base

hospital in Bremerhaven, West Germany as a clinical psychologist in the Exceptional Family Member Program.

8. According to the job description, and as actually experienced in that role, my duties consisted primarily of working with children on an out-patient basis, although, of course, I also worked with members of their families on a more limited basis. Prior to my taking this job I had had considerable training and experience in working with children, at St. Elizabeths, at Forest Haven, and elsewhere, in programs similar to that at Bremerhaven. Additionally, I have trained numerous counselors in areas relating to child development and behavior therapy. Working with children who are mentally retarded, and with adults with mental ages of young children, is, in a nutshell, my area of specialty and expertise.

9. In early September or late August 1985 I received an advanced notice that I was going to be terminated from my job at St. Elizabeths. I believe that the proposed removal was due to my conflicts with the defendant, *supra*, para. 4, as well as because of the bureaucratic mix-ups concerning my medical leave status, *supra*, para. 3. I met with an assistant superintendent from the hospital and with a member of the Personnel Department there. They indicated that the letter of "removal" would not be placed in my personnel file if I resigned from my position. I informed them that I had signed or was about to sign a contract with the Army, *supra*, para. 7, and that therefore I would be resigning in any event. I did so on or about October 1, 1985 and began my employment with the Army shortly thereafter.

10. A condition of employment with the Department of the Army was that I be "credentialed" as to the treatment of children and, independently, as to the treatment of adults. My supervisor at Bremerhaven contacted Eugene Stammeyher [sic], Director of Psychology at St. Elizabeths, in October 1985 to obtain information as to my credentials status while I had been employed there. I had signed a "Credential Information Request Form," addressed to St. Elizabeths, to expedite that process.

11. On or about November 27, 1985 I learned for the first time that the defendant had falsely provided my Bremerhaven supervisors with information that is the basis of this lawsuit. Para. 11, Amended Complaint.

12. As a direct result of that information, para. 11, *supra*, my credentials as to children have been revoked. In the Fall of 1987, I learned that my efforts to appeal that revocation had failed.

13. As a result of that information, *supra*, para. 11, my credentials as to adults were revoked but were subsequently restored. However, due to the nature of my duties in the Exceptional Family Member Program, working with adults is irrelevant if I am not able to work with their children.

14. Until I had heard that my appeal of the credentialling [sic] decision as to children was denied in the Fall of 1987, I worked in the medical library at the Army base hospital while waiting for the appeals process, and while looking for a new position in Europe.

15. In the Summer of 1986, and directly because of the difficulty I was having in being credentialed, I applied for a psychologist position at an Army base in Stuttgart. When I went to report there for work on July 28, 1986, I was literally turned away and was told that I was not wanted because of what they had heard about me from Bremerhaven personnel. I returned to Bremerhaven to continue in my efforts to be credentialed.

16. On December 7, 1987 I was notified that my appeal of the August 1987 decision of the Surgeon General of the Department of the Army had failed, and that as of December 16, 1987, my federal service employment has been terminated. The termination, and my inability to find work as a psychologist in the public or private sector is a direct result of defendant's statements, *supra*.

17. As a direct result of that information provided by the defendant, para. 11, *supra*, I have had to expend more than $10,000 in legal fees in West Germany alone in order to have adequate representation as to the appellate process in regaining my credentials.

18. As a direct result of the information provided by the defendant, para. 11, Amended Complaint, I have suffered severe emotional distress, have been unable to work in the area of my specialty, or in anything even remotely connected to it, and have been unable to find another position with comparable responsibilities.

/s/
FREDERICK A. SIEGERT

Subscribed and sworn to before me on this 28th day of January, 1988.

/s/
Pamela A. Dunham
Notary Public

My commission expires: 7-1-90

[SEAL]